

AN ACT

ENTITLED, An Act to revise certain provisions regarding failure to stop at the command of a law enforcement officer and regarding eluding a law enforcement officer in a vehicle.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 32-33-18 be amended to read as follows:

32-33-18. Any driver of a vehicle who intentionally fails or refuses to bring a vehicle to a stop, when given visual or audible signal to bring the vehicle to a stop, is guilty of failure to stop at the signal of a law enforcement officer. The signal given by the law enforcement officer may be by hand, voice, emergency light, or siren. The officer giving the signal shall be in uniform, prominently displaying a badge of office, and the vehicle shall be appropriately marked showing it to be an official law enforcement vehicle.

Failure to stop at the signal of a law enforcement officer is a Class 2 misdemeanor. In addition, the court may order that the defendant's driver's license be revoked for up to one year, but may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, allowing the defendant to operate a vehicle for purposes of the defendant's employment, attendance at school, or counseling programs.

Section 2. That chapter 32-33 be amended by adding thereto a NEW SECTION to read as follows:

Any driver of a vehicle who, after failing or refusing to bring a vehicle to a stop pursuant to § 32-33-18, flees from the law enforcement officer or attempts to elude the pursuit of the law enforcement officer is guilty of eluding. Eluding is a Class 1 misdemeanor. In addition, the court may order that the defendant's driver's license be revoked for up to one year, but may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, allowing the defendant to operate a vehicle for purposes of the defendant's employment, attendance at school, or counseling programs.

Section 3. That chapter 32-33 be amended by adding thereto a NEW SECTION to read as follows:

Any driver of a vehicle who flees from a law enforcement officer or attempts to elude the pursuit of a law enforcement officer is guilty of aggravated eluding if, at any time during the flight or pursuit, the driver operates the vehicle in a manner that constitutes an inherent risk of death or serious bodily injury to any third person.

Aggravated eluding is a Class 6 felony. In addition, the court may order that the defendant's driver's license be revoked for up to one year, but may issue an order, upon proof of financial responsibility pursuant to § 32-35-43.1, allowing the defendant to operate a vehicle for purposes of the defendant's employment, attendance at school, or counseling programs. For any subsequent aggravated eluding violation, the court shall order that the defendant's driver's license be revoked for five years.

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I certify that the attached Act
originated in the

HOUSE as Bill No. 1118

Chief Clerk

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Speaker of the House

Attest:

Chief Clerk

President of the Senate

Attest:

Secretary of the Senate

House Bill No. 1118
File No. _____
Chapter No. _____

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Received at this Executive Office
this _____ day of _____ ,

20____ at _____ M.

By _____
for the Governor

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The attached Act is hereby
approved this _____ day of
_____, A.D., 20____

Governor

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STATE OF SOUTH DAKOTA,
ss.

Office of the Secretary of State

Filed _____, 20____
at _____ o'clock __ M.

Secretary of State

By _____
Asst. Secretary of State